

TOWN OF WEARE

PLANNING BOARD

15 Flanders Memorial Rd - PO Box 190

Weare NH 03281

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December 16, 2010 - Meeting Minutes

****FINAL COPY****

PRESENT: Craig Francisco, Chairman; Frank Bolton, Vice Chairman; Thomas Clow, George Malette, Neal Kurk, Chip Meany, Land Use Coordinator; Sheila Savaria, Recording Secretary

GUESTS: Deborah Brown, Kristen Cole, John Nelson, Steven Buckley, Dave Dumas, Wendy Stevens

I: CALL TO ORDER:

Chairman Craig Francisco called the meeting to order at 7:05 pm at the Weare Town Office Building.

II: PUBLIC HEARINGS:

CIP Request for 2011: This discussion was a follow-up to the presentation from the CIP Committee from the last meeting. Originally, the 2000 Mack truck for the Highway Department was going to be turned into a hauler, but it is now felt by the CIP Committee that it would not be as great of a savings as originally thought. The 2000 Mack truck will be kept as a plow truck, but needs to be rotated out of the fleet of highway trucks soon. Also, the proposed purchase of a new tub grinder was removed from the highways proposal. The bottom line of the Highway Departments' proposed budget will be reduced to \$290,000.

Frank Bolton moved to recommend the CIP budget to the Board of Selectmen; George Malette seconded. Discussion: Neal Kurk feels the town should not continue the 20 year turnover of the Fire Department Vehicles, and the Fire Department should purchase a used truck. Also, with respect to the Transfer Station Equipment Fund, the budget will raise property taxes by \$90,000 a year. Three members voted in favor of the budget, Neal Kurk and Frank Bolton were opposed. The Planning Board will recommend the CIP budget to the Board of Selectmen.

Voluntary merger of Map 405-15 & 405-117, merged lots to be 405-17: This will reduce the taxable property in Weare by combining 2 taxable building lots into 1. Neal Kurk moved to approve the voluntary merger of lot 405-15 & 405-17 into one lot, 405-17; George Malette seconded, all voted in favor.

Subdivision Review, John & Tammie Nelson, Map 406-65: Steven Buckley, the representative for John and Tammie Nelson, told the board that the Nelsons are not making any changes to the plan, they are only asking to phase the development of the subdivision into 3 phases. Phase 1 would be the construction and improvement of Huntington Hill Road to upgrade it to a class 5 road, which would allow Mr. Nelson to create buildable lots. Phase 1 would also include a merger to combine a portion of lot 65.11 with lot 65 to create a 10 acre lot that will allow him to have a conforming 50 feet of frontage on Huntington Hill Road once it's approved with a class 5 status. Chairman Francisco feels like the merge of the 2 lots that the Nelsons are asking for is actually a lot line adjustment.

Mr. Buckley explained that the ability to construct and bond a road of more than 2000 linear feet is quite substantial, so rather than doing the whole project at once, they would like to construct it in phases. Mr. Nelson would prefer to build the required cistern in phase 2. Because Mr. Buckley would like to build 3 houses in phase 1 and his own house counts as one house, Chip Meany said there would be no occupancy for the 4th house permitted until the cistern is built, therefore the cistern would have to be put in the first phase. The road would be built past the cistern with a turnaround as required. Mr.

Buckley said that he would propose a vested agreement describing what would be done in each of the 3 phases, then bring it back to the Planning Board to be signed and recorded, so there is no question moving forward as to what Mr. Nelson's obligations are and what the Town agreed to.

Tom Clow says there are 2 things being asked. First, Mr. Nelson is asking for a lot line adjustment to increase the size of lot 65. Second, he is proposing phasing in the Huntington Hill Road to intersect the new road. Mr. Kurk said the problem is if he does not finish the phasing, there is an extended road that ends in a dead end and goes nowhere. Chairman Francisco agreed that the interconnection between River Road and Bart Clough Road is important. Mr. Buckley replied that they are improving the road, and would be adding more homes, and asked the Board if there is some way to get the construction going? Mr. Kurk suggested adding finishing the entire road as part of phase 2, in order to ensure the Town's interest and the circularity of traffic is protected.

George Malette felt this was a reasonable phasing proposal. Mr. Clow agreed, but questions whether or not the Board has the authority to make the change. Chairman Francisco agreed, and feels the Town needs insurance that it will be built.

Dave Dumas, 204 Bart Clough Road. Mr. Dumas asked if as part of phase 1, 3 houses would be put in, and for the continuing phases, the road would need to be continued to River Road. Chairman Francisco replied that the proposal is to upgrade Huntington Hill Road to a class 5, and get building permits for lots 65.8, 65.9, & 65.10, and perhaps 65.11. Mr. Dumas is concerned with the increased traffic.

Public Works: Chairman Francisco said that Carl Knapp commented that any future development of the roadway would not have impact on the Public Works Department, providing there is an adequate turnaround.

Mr. Buckley will put together a proposed phasing agreement for the Boards consideration, taking into account some of the issues raised, including adding in Phase 2 that the entire road needs to be built. This will give the Board time review it and consult with Attorney Drescher before the January meeting. It was understood that Mr. Nelson will pay Mr. Drescher's fees.

III: OTHER BUSINESS:

Zoning Amendment Proposals, Final Public Hearing for inclusion on the March 2011 Town Warrant Amendment No. 2, Amend Article 34, "sign" ordinance with extensive revision:

Tom Clow moved to keep the 1st sentence as written in section 34.4.1, and add 'Unless the Planning Board otherwise determines', and the following will remain as written and will be connected by semicolons; Neal Kurk seconded the motion. Discussion: George Malette spoke about the importance of dark skies and safety issues, including glare to vehicle traffic. Neal Kurk, Frank Bolton, and Tom Clow voted in favor; George Malette was opposed.

Tom moved to approve the sign ordinance with change in (34.1.1); Neal Kurk seconded, all voted in favor.

Amendment No. 3, Amend Article 29, Aquifer Protection, to include the Well Head Protection plan from SNHPC. Jack Munn from SNHPC said the Source Water Protection Plan was created to include and identify all water systems in the community and protect the drinking water. Frank Bolton said he was concerned about the size of the wellhead protection radius, and said it is too large and would greatly affect the businesses in Town. Mr. Meany said he would only have to inspect the commercial and industrial businesses in the zone once a year. Mr. Kurk feels the wellhead protection is not fair because the first person who puts in a well precluded everyone around him from doing things they could if there were no wellhead protection area. George Malette said there is no wording in the ordinance that says that. Chairman Francisco said his problem is that if a developer wanted to build a restaurant on land that is already in a wellhead protection area because his neighbor built one first, he has to go through a lot more to be able to do that.

Wendy Stevens from the Agricultural Committee said that they unanimously support this, and they do not wish to put polluted water on crops in the Town.

Neal Kurk asked if there is a general agreement with respect to the new map dealing with aquifer transmissivity that the map is accurate and the specific regulations in the ordinance relate to that map and the kind of activity that is being mapped? Mr. Munn said Yes. Mr. Kurk then asked, with respect to the wellhead protection area, it is not specifically mapped, so we don't know what specifically what is under them, but there is a general set of rules based on volume of water withdrawn, but no specific science or knowledge of the kind of ground that these wellhead protection areas overlay. Mr. Munn said that there are scientific investigation under some wellhead protection areas to determine the boundaries in certain types of larger systems, but not in Weare. Mr. Kurk feels there is no scientific basis for applying these regulations to the entire Town, and the areas beyond the transmissivity area and the wellhead areas are totally unknown.

Debbie Brown said it is important that a study is done in Weare to find what areas and businesses are being affected, and until then, the Town should not adopt this.

Kristen Cole asked about the 9 areas of potential contamination sources in the wellhead protection areas. Mr. Munn replied by saying that they are based on a windshield inventory, in which he drove by and noticed different containers stored on the site to determine if a site is potentially contaminating. The soil was not tested. Ms. Cole says she prefers her drinking water to be the cleanest water for her family and neighbors, and asks that the Board put forth the most stringent plan possible. Mr. Malette said that there is scientific research and the Board has the basis to bring this forward and consider approving it to make the drinking water as clean as possible

There are 4 options for the Board to consider:

1. Do nothing.
2. Update the Aquifer ordinance only (without the 'and/or' section)
3. Update the Aquifer ordinance and Wellhead (with the 'and' section)
4. Make the Wellhead protection area town wide.

Frank Bolton recused himself from this vote, Neal Kurk and Tom Clow voted for option 2, George Malette voted for option 3, and Craig Francisco voted for option 4, therefore, the Board will go with option 2. The Board then discussed with Mr. Munn which areas of the ordinance needed to be deleted to go with that choice.

Neal Kurk moved to approve Article 29 as amended, George Malette seconded, 4 members voted in favor.

Minutes:

George Malette moved to accept the November 11, 2010 minutes as amended; Neal Kurk seconded, all voted in favor.

Frank Bolton moved to accept the November 18, 2010 minutes as amended; Neal Kurk seconded, all voted in favor.

Neal Kurk moved to accept the December 2, 2010 minutes as amended; George Malette seconded, all voted in favor.

George Malette moved to accept the December 9, 2010 minutes as written; Frank Bolton seconded, all voted in favor.

IV: ADJOURNMENT:

As there was no further business to come before the board, Neal Kurk moved to adjourn the meeting at 10:45 pm; Tom Clow seconded, all voted in favor.

Respectfully submitted,

Sheila Savaria
Recording Secretary